



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5373

by Rep. Harry Osterman

SYNOPSIS AS INTRODUCED:

765 ILCS 1025/20
815 ILCS 505/2BBB new

from Ch. 141, par. 120

Amends the Uniform Disposition of Unclaimed Property Act. Provides that a person or company offering to identify, discover, or collect presumptively abandoned property or property that may become presumptively abandoned on behalf of the putative owner in exchange for a contingent fee must provide the owner with a written disclosure that includes, at a minimum, the identity of the holder of the property, the date the property became or will become reportable, and a statement indicating that the Office of the State Treasurer does not charge fees for the recovery of any property transferred to its custody under the Act. Provides that a person or company may not charge a contingent fee greater than 10% for the recovery of property that is not yet reportable property under the Act. Amends the Consumer Fraud and Deceptive Practices Act. Provides that a person offering to identify, discover, or collect property, held or likely to be reported to any public agency, on behalf of the putative owner in exchange for a contingent fee must provide the owner with a written disclosure that includes, at a minimum, the identity of the holder of the property, the date the property came into the possession of the public agency or will become reportable to the agency, and a statement indicating the public agency does not charge fees for the recovery of any property transferred to its custody under the Uniform Disposition of Unclaimed Property Act. Provides that a person who violates this provision commits an unlawful practice. Effective immediately.

LRB095 18856 AJO 45543 b

1 AN ACT concerning property.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Uniform Disposition of Unclaimed Property
5 Act is amended by changing Section 20 as follows:

6 (765 ILCS 1025/20) (from Ch. 141, par. 120)

7 Sec. 20. Determination of claims.

8 (a) The State Treasurer shall consider any claim filed
9 under this Act and may, in his discretion, hold a hearing and
10 receive evidence concerning it. Such hearing shall be conducted
11 by the State Treasurer or by a hearing officer designated by
12 him. No hearings shall be held if the payment of the claim is
13 ordered by a court, if the claimant is under court
14 jurisdiction, or if the claim is paid under Article XXV of the
15 Probate Act of 1975. The State Treasurer or hearing officer
16 shall prepare a finding and a decision in writing on each
17 hearing, stating the substance of any evidence heard by him,
18 his findings of fact in respect thereto, and the reasons for
19 his decision. The State Treasurer shall review the findings and
20 decision of each hearing conducted by a hearing officer and
21 issue a final written decision. The final decision shall be a
22 public record. Any claim of an interest in property that is
23 filed pursuant to this Act shall be considered and a finding

1 and decision shall be issued by the Office of the State
2 Treasurer in a timely and expeditious manner.

3 (b) If the claim is allowed, and after deducting an amount
4 not to exceed \$20 to cover the cost of notice publication and
5 related clerical expenses, the State Treasurer shall make
6 payment forthwith.

7 (c) In order to carry out the purpose of this Act, no
8 person or company shall be entitled to a fee for discovering
9 presumptively abandoned property until it has been in the
10 custody of the Unclaimed Property Division of the Office of the
11 State Treasurer for at least 24 months. Fees for discovering
12 property that has been in the custody of that division for more
13 than 24 months shall be limited to not more than 10% of the
14 amount collected.

15 (d) A person or company attempting to collect a contingent
16 fee for discovering, on behalf of an owner, presumptively
17 abandoned property must be licensed as a private detective
18 pursuant to the Private Detective, Private Alarm, Private
19 Security, Fingerprint Vendor, and Locksmith Act of 2004.

20 (e) This Section shall not apply to the fees of an attorney
21 at law duly appointed to practice in a state of the United
22 States who is employed by a claimant with regard to probate
23 matters on a contractual basis.

24 (f) Any person or company offering to identify, discover,
25 or collect presumptively abandoned property or property which
26 may become presumptively abandoned on behalf of the putative

1 owner of such property in exchange for a fee contingent upon
2 the successful collection by the owner of such property, must
3 provide the owner with a written disclosure. This disclosure
4 shall include, at a minimum, the identity of the holder of the
5 property, the date the property became or will become
6 reportable, and a statement indicating that the Office of the
7 State Treasurer does not charge fees for the recovery of any
8 property transferred or to be transferred to its custody under
9 this Act. A person or company may not charge a contingent fee
10 greater than 10% for the recovery of property that is not yet
11 reportable property under this Act.

12 (Source: P.A. 95-613, eff. 9-11-07.)

13 Section 10. The Consumer Fraud and Deceptive Business
14 Practices Act is amended by adding Section 2BBB as follows:

15 (815 ILCS 505/2BBB new)

16 Sec. 2BBB. Contingent fees. Any person or company offering
17 to identify, discover, or collect presumptively abandoned
18 property or property which may become presumptively abandoned
19 on behalf of the putative owner of such property in exchange
20 for a fee contingent upon the successful collection by the
21 owner of such property, must provide the owner with a written
22 disclosure. This disclosure shall include, at a minimum, the
23 identity of the holder of the property, the date the property
24 came into the possession of the public agency or will become

1 reportable to the agency, and a statement indicating the public
2 agency does not charge fees for the recovery of any property
3 transferred or to be transferred to its custody under the
4 Uniform Disposition of Unclaimed Property Act. "Public agency"
5 has the meaning ascribed to it in Section 1 of the Public Funds
6 Investment Act.

7 Any person who violates this Section commits an unlawful
8 practice within the meaning of this Act.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.